

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FRONTIER COMMUNICATIONS)
CORPORATION,)
)
Plaintiff,)
) Docket no. 1:07-cv-113-GZS
v.)
)
BARRETT PAVING MATERIALS, INC.,)
ET AL.,)
)
Defendants.

**ORDER ON MOTION TO INTERVENE AND JOINT MOTION
FOR ENTRY OF THE CONSENT DECREE**

Before the Court are the Motion to Intervene by the State of Maine and the Maine Department of Environmental Protection (Docket # 96) and the Joint Motion for Entry of Consent Decree as Partial Final Judgment (Docket # 97). Absent any objections, both Motions are hereby GRANTED.

With respect to the request for intervention, the Court finds that the State of Maine and the Maine Department of Environmental Protection (together, “the State”) meet the requirements for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)(2). The Court also concludes that the intervention will not cause undue delay or prejudice the adjudication of the original parties’ rights. See Fed. R. Civ. P. 24(b)(3).

Turning to the Joint Motion for Consent Decree, the parties propose to enter the Decree in order to resolve all claims that either Frontier or the State have against Defendants Barrett Paving Materials, Inc., Honeywell International Inc. and Beazer East, Inc. Having reviewed the Decree and the related Settlement Agreement (Docket # 97-3) in light of the Court’s familiarity

with the entire history of this litigation, the Court concludes that the Consent Decree is fair (both procedurally and substantively), reasonable and consistent with the purposes of CERCLA, 42 U.S.C. § 9607, and Maine's Uncontrolled Hazardous Substances Sites Law, 38 M.R.S.A. §§ 1361 et seq. See City of Bangor v. Citizens Communications Corp., 532 F.3d 70, 93-99 (1st Cir. 2008); United States v. Cannons Engineering Corp., 899 F.2d 79, 84 (1st Cir. 1990). The Court reaches this conclusion for the reasons laid out in the Joint Motion. (See Joint Mot. for Entry of Consent Decree (Docket # 97) at 3-8.)

In accordance with the above rulings, the Clerk is directed to enter the Complaint in Intervention (Docket # 96-2) on the docket. The Court will separately file the Consent Decree as approved.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 4th day of February, 2009.